

## **REMARKS**

This Amendment responds to the Office Action mailed on February 13, 2008. Claim 34 is cancelled by this Amendment. Reconsideration of the remaining claims is respectfully requested in light of the above amendments and the following remarks.

### ***Examiner Interview***

The undersigned thanks Examiner Noonan for the courtesies extended during a telephone interview on April 8, 2008. During the interview the amendment to claim 1 and new claims 37 and 38 were discussed. The following remarks further summarize the interview.

### ***Claim Rejections – 35 U.S.C. 103***

The claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Kasriel (U.S. 6,721,780), Desai (U.S. 6,871,218), Codella (U.S. 7,003,566) and Beyda (U.S. 2003/0061451). The Applicant respectfully submits that these rejections are overcome by the above amendments to the independent claims.

The pending independent claims (1, 21, 29 and 32) have been amended to specify that data is pushed to the mobile device in advance of a new request for the data based on a time period during which the user has requested the data in the past. For example, claim 1 has been amended to require that “the periodic basis at which the first response data is pushed to the mobile device is determined based on a time period during which a user of the mobile device has repeatedly requested the stored data requests such that the first response data is pushed to the mobile device prior to an expected new request from the user during this time period.” Similar limitations have also been added to independent claims 21, 29 and 32. Support for these amendments may be found at paragraphs 0045-0046 of the instant application (U.S. 2005/0108322), as follows:

[0045] ... The prediction module 1200 may be further configured to predict forecasted states and provide the forecasted states to the push module on a periodic basis. For example, if a user of the mobile device 100 typically accesses a news service and a sports service during a certain time of day, e.g., between the hours of 7:00 AM and 8:00 AM, the prediction module 1200 may predict the requisite URL queries for the news service and the sports service within this time period, and provide the URL queries to the push module 1300...

[0046] Accordingly, the user of the mobile device 100 will have the information related to the news service and sports service information available at the mobile device 100 when the user does select the news service or sports service...

As discussed with Examiner Noonan during the April 8 telephone interview, nothing similar to this is disclosed in any of the cited references, either alone or in combination.<sup>1</sup> Accordingly, the Applicant submits that claims 1, 7-9, 21-33, 35 and 36 are patentable over the cited references and are in condition for allowance.

### *New Claims*

New claims 37 and 38 are added by this Amendment. These claims further specify how the mobile device and state prediction module respond when a successful prediction is made. The Applicant submits that these claims further distinguish over the cited references. Support for claims 37 and 38 is found at paragraphs 0046-0047 of the instant application (U.S. 2005/0108322).

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<sup>1</sup> It should be noted that claim limitations relating to pushing data to a mobile device at a particular time of day based on historical requests were already included in claim 32 prior to this Amendment. However, the rejection of claim 32 failed to address these limitations.

*Conclusion*

For at least the above reasons, the applicant respectfully submits that the pending claims are patentable over the cited references and are in condition for allowance.

Respectfully submitted,

JONES DAY



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Joseph M. Sauer (Reg. No. 47,919)  
Jones Day  
North Point, 901 Lakeside Avenue  
Cleveland, Ohio 44114  
(216) 586-7506